

Notice of Allowability

Application No.

10/065,787

Examiner

James M Hewitt

Applicant(s)

BETTINGER, DAVID S.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 3/11/05.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JAMES M. HEWITT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Bettinger on 3/24/05.

The application has been amended as follows:

In line 6 of paragraph [0007] of the specification, "fictional" has been replaced with --frictional--.

The abstract filed 2/10/04, as it is not in compliance with 37 C.F.R. 1.72 (not submitted on a separate sheet), has been rewritten here:

--ABSTRACT

A compressed seal expansion joint for fluidically connecting in a sealed relationship adjacent ends of two conduits adapted for carrying fluids of varying temperatures, the expansion joint comprising telescopically arranged outer and inner pipe members adapted to be connected to each of the conduits, the outer pipe member defining an annular packing chamber opening through its inner surface for containing at least two cylindrical guide rings disposed at opposite ends of the chamber, the rings being of an elastic and semi-plastic packing composition pressurized by tensioned hoop

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band circumscribing the outer pipe member and selected to elastically deform the outer pipe member and communicate a circumferentially compressive force to the guide rings so as to create bearing and frictional loadings and seal between guide ring surfaces and the pipe member surfaces during axial and rotational relative pipe member movement.--

In claim 1 line 1, --telescoping-- has been inserted before "compressed".

In claim 1 lines 13-14, the phrase "during axial sliding and rotational relative movement" has been replaced with --throughout varying telescopic positions--.

In claim 2 line 1, --telescoping-- has been inserted before "compressed".

In claim 2 line 3, the phrase "and clamp" has been deleted.

In claim 3 line 1, --telescoping-- has been inserted before "compressed".

In claim 4 line 1, --telescoping-- has been inserted before "compressed".

In claim 5 line 1, --telescoping-- has been inserted before "compressed".

In claim 6 line 1, --telescoping-- has been inserted before "compressed".

In claim 7 line 1, --telescoping-- has been inserted before "compressed".

In claim 8 line 1, --telescoping-- has been inserted before "compressed".

In claim 8 line 2, the phrase "and clamp" has been deleted.

DRAWINGS

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: The cross-hatching for the pipe members should be

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amended to reflect that the members are made of composite material, and the cross-hatching for the seals should be amended to reflect that the seals are made from plastic material. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, singly or in combination, a telescoping compressed seal expansion joint as claimed in detail in claim 1.

The combination of McHughs and Shafer does not teach the limitations "an outer circumferentially tensioned band positioned over said generally cylindrical resilient and elastic seal and selected to produce a compressive force to radially deflect elastically said outer pipe member and thereby compress and deflect said generally cylindrical resilient and elastic seal so that said outer and inner pipe members and said generally cylindrical resilient and elastic seal create and maintain a bearing and friction-loaded sealed relationship for and during fluid flow at varying temperatures between adjacent ends of two conduits throughout varying telescoping positions of said outer and inner pipe members." In Shafer, the wellhead pipe (20) cannot axially slide within the wellhead assembly (10) as the wellhead assembly is fixed via securing nuts (60) to the wellhead pipe. And because of this, in addition to the fact that there lies no motivation or suggestion in McHughs to employ an outer circumferentially tensioned band as claimed in claim 1, the combination is considered invalid.

And regarding Engel (US 5,129,685) as well as Thomas (US 5,882,046), neither teaches a “telescoping compressed seal expansion joint” and the limitations “an outer circumferentially tensioned band positioned over said generally cylindrical resilient and elastic seal and selected to produce a compressive force to radially deflect elastically said outer pipe member and thereby compress and deflect said generally cylindrical resilient and elastic seal so that said outer and inner pipe members and said generally cylindrical resilient and elastic seal create and maintain a bearing and friction-loaded sealed relationship for and during fluid flow at varying temperatures between adjacent ends of two conduits throughout varying telescoping positions of said outer and inner pipe members.” Both Engel and Thomas aim to prevent relative movement between the pipe members. Neither can be construed or characterized as a telescoping joint, and particularly one that maintains a bearing and friction-loaded sealed relationship for and during fluid flow at varying temperatures between adjacent ends of two conduits throughout varying telescoping positions of said outer and inner pipe members.


Movement due to vibration or other incidental forces that may occur in Engel and Thomas cannot be interpreted so that either reference can meet the limitations of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER